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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554
Via Electronic Filing

Re: *Ex Parte* Presentation, WC Docket No. 07-245; GN Docket 09-51

Dear Ms. Dortch:

NextG Networks, Inc., on behalf of its operating subsidiaries, NextG Networks of NY, Inc., NextG Networks of California, Inc., NextG Networks Atlantic, Inc., and NextG Networks of Illinois, Inc., (jointly "NextG"), submits this *ex parte* submission in the above referenced dockets in support of the Commission's adoption of pole attachment rates, terms, and conditions for the attachment of facilities used to provide or facilitate the provision of wireless telecommunications services.

NextG is an industry leader for designing, deploying, and operating fiber-fed distributed antenna system ("DAS") networks. NextG has currently deployed approximately 6,300 DAS nodes and is working to construct an additional approximately 1,200 nodes nationwide at this time.

In this proceeding, consistent with the Commission's Broadband Plan, the Commission is considering the adoption of rules that will impact the attachment of wireless facilities to utility poles. In this submission, NextG emphasizes how the Commission's adoption of rules that are consistent with NextG's prior comments and submissions, as well as those of the DAS Forum and other industry members, will promote the deployment of DAS networks which will in turn support the rapid and efficient deployment of broadband services.

Specifically, DAS networks are uniquely positioned to support the Commission's goals for the deployment of wireless broadband services in the following manners:

- **Coverage**: DAS architecture provides coverage in areas that cannot be effectively addressed with traditional sites and is a particularly attractive option for deploying in previously hard to reach residential areas.
- **Capacity**: DAS can closely align capacity to actual market requirements, managing available radio resources.
- **Spectrum**: DAS uses available frequency spectrum efficiently through multiple low-power transmission points.
- **Interference**: DAS reduces interference through low radiation centers and lower output power.
- **Data**: DAS provides better data throughput given signal strength and proximity of transmission points to user equipment.
- **Scalability**: DAS is a scalable network that can meet future capacity requirements, or additional carriers, by adding additional nodes. DAS can also allow more efficient deployment by accommodating multiple carriers on the same system.
- **Adaptability**: DAS is flexible and allows prompt response to market dynamics, equipment architecture changes and new technologies.
- **Efficiency**: By attaching to existing infrastructure, DAS avoids building new structures in the public rights of way.

As a result, DAS has grown quickly and is now relied upon by national wireless carriers and competitive regional carriers, alike.[1]

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[1] Other commenters have also identified the unique qualities of DAS for promoting the Commission's broadband deployment goals. *See* Comments of the DAS Forum, A Membership Section of PCIA—The Wireless Infrastructure Association, WC Docket No. 07-245, RM-11293, RM-11303, at 3-6 (Mar. 7, 2008) (speed to market, coverage and capacity in dense areas, protects sensitive environments, efficient use of infrastructure); Ex Parte of the DAS Forum, A Membership Section of PCIA—The Wireless Infrastructure Association, WC Docket No. 07-245, at 2-5 (Apr. 19, 2010) (coverage and capacity in sensitive areas, public safety, spectral efficiency, efficient use of infrastructure); Comments of the DAS Forum, A Membership Section of PCIA—The Wireless Infrastructure Association, WC Docket No. 07-245, GN Docket No. 09-51, at 4-8 (Aug. 16, 2010) (coverage and capacity, public safety, competition, efficient use of infrastructure); Ex Parte of the DAS Forum, A Membership Section of PCIA—The Wireless Infrastructure Association, WC Docket No. 07-245, at 5 (Feb. 11, 2011) (coverage, capacity, spectrum efficiency, interference mitigation, data throughput, scalability, adaptability); Comments of NextG Networks, WC Docket No. 07-245, RM-11293, RM-11303, at 2-5 (Mar. 7, 2008) (efficiency, coverage and capacity, spectral efficiency, data throughput); Comments of NextG Networks, WC Docket No. 07-245, GN Docket No. 09-51, at 3-6 (Aug. 16, 2010) (efficient use of infrastructure, coverage and capacity, spectral efficiency, data throughput); Comments of MetroPCS Communications, WC Docket 07-245, RM-11293, RM-11303, at 1-2 (Mar. 7, 2008) (competition, alternative deployment option); Comments of MetroPCS Communications, WC Docket No. 07-245, GN Docket No. 09-51, at 1-7 (Aug. 16, 2010) (competition, alternative deployment option, protect sensitive

As NextG and others have explained in prior submissions and comments, it and other DAS providers have encountered barriers and impediments to deployment imposed by utility pole owners. In particular, NextG has encountered unreasonable delays, excessive rates, demands for unreasonable terms and conditions, and outright denials of access.[2] Accordingly, NextG urges the Commission to adopt rules addressing attachment of wireless facilities.

In particular, NextG supports the most recent timeline proposal regarding pole top attachments submitted by the DAS Forum and CTIA on March 15, 2011. Having certainty of when a pole owner will complete make-ready will allow NextG to use construction crews in a more laborsaving and economical manner because installations will be performed at one time, rather than through repeat visits. This will also increase the speed to market for wireless broadband services.

NextG also urges the Commission to clarify that DAS and wireless attachments generally are entitled to regulated pole attachment rates, regardless of whether the attachment is at the top of the pole or in the so-called communications space. NextG supports proposals to require utility pole owners to simultaneously engage in pole surveys while negotiating master pole attachment agreements. NextG also encourages the Commission to adopt rules requiring pole owners to allow attaching parties to use third party contractors approved by the pole owner if the pole owner will not be able to meet the Commission's attachment and make ready timelines.

Finally, NextG encourages the Commission to adopt rules confirming a right to attach to the top of poles, which will allow NextG to avoid setting its own poles in many circumstances. Additionally, pole top access for the antenna reduces the overall number of wireless attachments, by approximately 30%, thereby creating more-cost effective networks covering the same geographic area.

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environments, efficient use of infrastructure); Comments of CTIA—The Wireless Association, WC Docket No. 07-245, RM-11293, RM-11303, at 3-6 (Mar. 7, 2008) (alternative deployment option, efficient use of infrastructure, public safety); Comments of CTIA—The Wireless Association, WC Docket No. 07-245, GN Docket No. 09-51, at 3-5 (Aug. 16, 2010) (efficient use of infrastructure, investment and innovation, public safety, coverage and capacity); Comments of T-Mobile USA, WC Docket No. 07-245, RM-11293, RM-11303, at 1-2 (Mar. 7, 2008) (alternative deployment option); Comments of T-Mobile USA, WC Docket No. 07-245, GN Docket No. 09-51, at 3-5 (Aug. 16, 2010) (efficient use of infrastructure, alternative deployment option, competition).

[2] *See, e.g.*, 2008 Comments of NextG Networks at 5-8, 11-12, 15-20 (documenting NextG's experience with utilities and denial of access and unnecessary, excessive delays); 2010 Comments of NextG Networks at 6-7, 12; 2010 Reply Comments of NextG Networks at 6-7, 23-24 (providing examples of a reasonable, achievable make-ready timeline with a utility and unreasonable rates for wireless attachments).

Thank you for taking these important steps to support the deployment of wireless broadband services through the use of DAS networks.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter will be filed via ECFS with your office.

Sincerely,

T. Scott Thompson

Counsel for NextG Networks, Inc.

cc: Zachary Katz
Brad Gillen
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Christine Kurth
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